

# **RULES OF STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS**

## **TABLE OF CONTENTS**

**Chapter 553-1: ORGANIZATION**

**Chapter 553-2: EXAMINATION EXEMPTION**

**Chapter 553-3: QUALIFICATIONS FOR LICENSURE – RESIDENTIAL  
CONTRACTOR DIVISION**

**Chapter 553-4: QUALIFICATIONS FOR LICENSURE – GENERAL  
CONTRACTOR DIVISION**

**Chapter 553-5: PROCEDURAL RULES**

**Chapter 553-6: FEES**

**Chapter 553-7: WRITTEN WARRANTY**

**Chapter 553-8: DEFINITIONS**

# CHAPTER 553-1

## ORGANIZATION

### TABLE OF CONTENTS

#### **553-1-.01 Organization of Board**

#### **553-1-.02 Officers**

#### **553-1-.03 Forms**

#### **553-1-.04 Public Information**

#### **553-1-.01 Organization of Board.**

The State Licensing Board for Residential and General Contractors shall be composed of 14 members appointed by the Governor for five year terms, except as specifically delineated for the initial members. The Board shall be divided into two divisions, each consisting of 7 members: the residential contractor division, having jurisdiction of and authority over two subcategories of residential contracting, residential-basic and residential-light commercial, and the general contractor division. Each division shall meet at least six times each year, with the Board meeting at least twice each year for the purpose of overseeing the operation of its divisions.

Authority O.C.G.A. Secs. 43-41-1 to 43-41-3, 43-41-5. **History.** Original Rule entitled "Organization of Board" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-1-.02 Officers.**

The Board shall elect a chairperson and vice chairperson, each to serve for a one-year term. The office of chairperson shall be rotated between the two divisions, with the office of vice chairperson to be held by a member of the division other than that in which the chairperson serves. Each division shall elect from its membership a chairperson and a vice chairperson, each of whom shall serve a term of two years.

Authority O.C.G.A. Sec. 43-41-4. **History.** Original Rule entitled "Officers" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-1-.03 Forms.**

All necessary forms for licensure may be obtained by visiting the website at [www.sos.state.ga.us](http://www.sos.state.ga.us), or by writing the Board at 237 Coliseum Drive, Macon, Georgia 31217.

Authority O.C.G.A. Secs. 43-1-2, 43-41-6. **History.** Original Rule entitled "Forms" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-1-.04 Public Information.**

The public may obtain information and submit requests by visiting the website at [www.sos.state.ga.us](http://www.sos.state.ga.us) or at the Office of the Division Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, GA 31217.

Authority O.C.G.A. Sec. 43-1-2. **History.** Original Rule entitled “Public Information” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

# **CHAPTER 553-2**

## **EXAMINATION EXEMPTION**

### **TABLE OF CONTENTS**

- 553-2-.01 Examination Exemption Provisions – Residential Contractor Division**
- 553-2-.02 Exemption from Residential Contracting Examination – Individual Holding a Residential Contracting License from a Georgia Political Subdivision**
- 553-2-.03 Exemption from Residential Contracting Examination – Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision**
- 553-2-.04 Exemption from Residential Contracting Examination – Individual Having the Necessary Experience in Georgia**
- 553-2-.05 Exemption from Residential Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia**
- 553-2-.06 Burden of Proof for Obtaining the Residential Contracting Examination Exemption**
- 553-2-.07 Examination Exemption Provisions – General Contractor Division**
- 553-2-.08 Exemption from General Contracting Examination – Individual Holding a General Contracting License from a Georgia Political Subdivision**
- 553-2-.09 Exemption from General Contracting Examination – Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision**
- 553-2-.10 Exemption from General Contracting Examination – Individual Having the Necessary Experience in Georgia**
- 553-2-.11 Exemption from General Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia**
- 553-2-.12 Burden of Proof for Obtaining the General Contracting Examination Exemption**
- 553-2-.13 Reciprocity**

#### **553-2-.01 Examination Exemption Provisions – Residential Contractor Division.**

As prescribed in O.C.G.A. § 43-41-8, certain persons are eligible to receive a residential contractor license from the residential contractor division without examination, provided that such persons submit a proper application and proofs, pay or have paid the required fees, otherwise meet the requirements of Code Section 43-41-6 for licensure, and are not otherwise in violation of Chapter 41 of Title 43 of the Georgia Code. Said completed applications and request for exemption and necessary proofs must be received between

January 1, 2006 and June 30, 2006, from the following eligible persons: (1) Any person who, among other items enumerated in O.C.G.A. § 43-41-8(a)(1), holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, and meets all requirements contained in that statute; and (2) Any person who has successfully and efficiently engaged in residential contracting in this state and meets all requirements contained in that statute.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Examination Exemption Provisions – Residential Contractor Division” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.02 Exemption from Residential Contracting Examination – Individual Holding a Residential Contracting License from a Georgia Political Subdivision.**

To prove that an applicant who is applying on his or her behalf holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for residential contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by any governing authority of the political subdivisions in Georgia is substantially similar to the state examination for residential contractors. Additionally, each applicant must swear on the application for examination exemption that the applicant is a Georgia resident and citizen.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from Residential Contracting Examination – Individual Holding a Residential Contracting License from a Georgia Political Subdivision” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.03 Exemption from Residential Contracting Examination – Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision.**

To prove that an applicant who is applying for licensure as a qualifying agent for a business organization incorporated in Georgia or otherwise authorized and certified to transact business in Georgia holds a current and valid license to engage in residential contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for residential contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s]

required by such governing authority of the political subdivisions in Georgia is substantially similar to the state examination for residential contractors. Additionally, the applicant must show that said corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application by swearing to the veracity of such on the application for examination exemption.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from Residential Contracting Examination – Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-2-.04 Exemption from Residential Contracting Examination – Individual Having the Necessary Experience in Georgia.**

To qualify for the exemption from examination by this means, the applicant must be a resident and citizen of the state of Georgia, the veracity of which shall be sworn to by the applicant on the application for licensure by examination exemption. To prove the additional requirement that the applicant has successfully engaged in residential contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following: (1) three successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or (2) ten successfully completed residential-basic or residential-light commercial projects located in Georgia over the period of ten years immediately prior to the time of application; or (3) that he or she has participated in or been engaged in residential-basic or residential-light commercial construction in a supervisory or management capacity for seven of the ten years immediately prior to the time of application.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from Residential Contracting Examination – Individual Having the Necessary Experience in Georgia” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-2-.05 Exemption from Residential Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia.**

To qualify for the exemption from examination by this means, the applicant must show that the business organization for which he or she is applying to be the qualifying agent is either incorporated in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application. To prove incorporation in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application, the applicant must swear to the veracity of such on the application for examination exemption. To prove the additional requirement that the applicant has successfully engaged in residential contracting in Georgia, the applicant must provide,

with his or her application, evidence satisfactory to the division of one of the following: (1) three successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or (2) ten successfully completed residential-basic or residential-light commercial projects located in Georgia over the period of ten years immediately prior to the time of application; or (3) that he or she has participated in or been engaged in residential-basic or residential-light commercial construction in a supervisory or management capacity for seven of the ten years immediately prior to the time of application.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from Residential Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.06 Burden of Proof for Obtaining the Residential Contracting Examination Exemption.**

Any applicant for issuance of a residential contractor license under this title who shall seek exemption from the examination requirement under subsection (f) of Code Section 43-41-6, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the division that the requirements for such exemption have been satisfied. The decision of the division as to the satisfaction of the requirements for such exemption from taking the examination shall be conclusive.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Burden of Proof for Obtaining the Residential Contracting Examination Exemption” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.07 Examination Exemption Provisions – General Contractor Division.**

As prescribed in O.C.G.A. § 43-41-8, certain persons are eligible to receive a general contractor license from the general contractor division without examination, provided that such persons submit a proper application and proofs, pay or have paid the required fees, otherwise meet the requirements of Code Section 43-41-6 for licensure, and are not otherwise in violation of Chapter 41 of Title 43 of the Georgia Code. Said completed applications and request for exemption and necessary proofs must be received between January 1, 2006 and June 30, 2006, from the following eligible persons: (1) Any person who, among other items enumerated in O.C.G.A. § 43-41-8(a)(1), holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, and meets all requirements contained in that statute; and (2) Any person who has successfully and efficiently engaged in general contracting in this state and meets all requirements contained in that statute.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Examination Exemption Provisions – General Contractor Division” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.08 Exemption from General Contracting Examination – Individual Holding a General Contracting License from a Georgia Political Subdivision.**

To prove that an applicant who is applying on his or her behalf holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for general contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by any governing authority of the political subdivisions in Georgia is substantially similar to the state examination for general contractors. In making such determination, the division shall ensure that the examination[s] of the local governing authorities at least satisfy the division examination's requirements for ascertaining the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens. Additionally, each applicant must swear on the application for examination exemption that the applicant is a Georgia resident and citizen and must, as dictated by the application for examination exemption, also submit with the completed application for examination exemption an appropriate reference letter from a certified public accountant regarding residency and citizenship. The reference letter will be on a form included with the application for examination exemption and must be notarized.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled "Exemption from General Contracting Examination – Individual Holding a General Contracting License from a Georgia Political Subdivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.09 Exemption from General Contracting Examination – Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision.**

To prove that an applicant who is applying for licensure as a qualifying agent for a business organization incorporated in Georgia or otherwise authorized and certified to transact business in Georgia holds a current and valid license to engage in general contracting issued to him or her by any governing authority of any political subdivision of this state, the applicant must cause to be submitted to the division a verification of licensure verifying such from that political subdivision. The verification of licensure will be on a form included with the application for examination exemption. Additionally, the



verification of licensure shall show that the applicant passed an examination required by the governing authority, which examination is substantially similar to the state examination for general contractors, in order for the applicant to obtain the license from that governing authority. The division shall determine whether the examination[s] required by such governing authority of the political subdivisions in Georgia is substantially similar to the state examination for general contractors. In making such determination, the division shall ensure that the examination[s] of the local governing authorities at least satisfy the division examination's requirements for ascertaining the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens. Additionally, the applicant must show that said corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application. To satisfactorily prove this, the applicant must swear on the application for examination exemption that the corporation or business organization possesses a regular office and place of business in Georgia currently and that said corporation or business organization has had the office and place of business continuously for the five years immediately preceding the time of application. Additionally, the applicant must, as dictated by the application for examination exemption, also submit with the completed application for examination exemption an appropriate reference letter from a certified public accountant regarding said corporation's or business organization's location and duration in Georgia. The reference letter will be on a form included with the application for examination exemption and must be notarized. Moreover, as dictated by O.C.G.A. § 43-41-9(b), the applicant must submit, together with the application for examination exemption, a satisfactory affidavit signed by an authorized agent of the business organization who possesses binding authority for the business organization, on a form provided by the division, attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled "Exemption from General Contracting Examination – Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.10 Exemption from General Contracting Examination – Individual Having the Necessary Experience in Georgia.**

To qualify for the exemption from examination by this means, the applicant must be a resident and citizen of the state of Georgia, the veracity of which shall be sworn to by the

applicant on the application for examination exemption. To prove the additional requirement that the applicant has successfully engaged in general contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following: (1) five successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the time of application; or (2) ten successfully completed general contracting projects located in Georgia over the period of ten years immediately prior to the time of application. To satisfactorily prove “successful projects”, the applicant must include, together with and as directed by the application for examination exemption, an appropriate reference letter from a Georgia registered architect verifying the abilities, skills, and knowledge of the applicant regarding each project and an appropriate reference letter from the owner of the subject project, or owner’s representative, verifying the owner’s satisfaction with the project. The applicant shall enclose with the application for examination exemption both of the above-identified reference letters for *each* project for which the applicant is attempting to prove successful completion. The reference letters will be on forms included with the application for examination exemption and must be notarized before being submitted with the completed applications. The forms must include, at a minimum, a description of the particular project, where the project occurred, and on what dates. If the applicant cannot provide satisfactory verification via reference letter by a Georgia registered architect and an owner, then the applicant must submit with his or her application for examination exemption a notarized explanation of why he or she cannot provide the particular reference letter.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from General Contracting Examination – Individual Having the Necessary Experience in Georgia” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.11 Exemption from General Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia.**

To qualify for the exemption from examination by this means, the applicant must show that the business organization for which he or she is applying to be the qualifying agent is either incorporated in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application. To prove incorporation in Georgia or a business organization otherwise authorized and certified to transact business in Georgia with a regular office and place of business in Georgia currently and having had such office and place of business continuously for the five years immediately preceding such application, the applicant must swear to the veracity of such on the application for examination exemption, and also must submit an appropriate reference letter from a certified public accountant regarding the location and duration of the corporation’s or business organization’s regular office and place of business in Georgia. To prove the additional requirement that the applicant has successfully engaged in general contracting in Georgia, the applicant must provide, with his or her application, evidence satisfactory to the division of one of the following: (1) five successful projects located in Georgia which were successfully completed over the period of five years immediately prior to the

time of application; or (2) ten successfully completed general contracting projects located in Georgia over the period of ten years immediately prior to the time of application. To prove “successful projects”, the applicant must include, as directed by the application for examination exemption, an appropriate reference letter from a Georgia registered architect verifying the abilities, skills, and knowledge of the applicant regarding each project and an appropriate reference letter from the owner of the subject project, or owner’s representative, verifying the owner’s satisfaction with the project. The applicant shall enclose with the application for examination exemption both of the above-identified reference letters for *each* project for which the applicant is attempting to prove successful completion. The reference letters will be on forms included with the application for examination exemption and must be notarized before being submitted with the completed applications. The forms must include, at a minimum, a description of the particular project, where the project occurred, and on what dates. If the applicant cannot provide satisfactory verification via reference letter by a Georgia registered architect and an owner, then the applicant must submit with his or her application for examination exemption a notarized explanation of why he or she cannot provide the particular reference letter. Moreover, as dictated by O.C.G.A. § 43-41-9(b), the applicant must submit, together with the application for examination exemption, a satisfactory affidavit signed by an authorized agent of the business organization who possesses binding authority for the business organization, on a form provided by the Board, attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Exemption from General Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-2-.12 Burden of Proof for Obtaining the General Contracting Examination Exemption.**

Any applicant for issuance of a residential or general contractor license under this title who shall seek exemption from the examination requirement under subsection (f) of Code Section 43-41-6, on any basis set forth above, shall have the burden of establishing to the satisfaction and within the discretion of the division that the requirements for such exemption have been satisfied. The decision of the division as to the satisfaction of the requirements for such exemption from taking the examination shall be conclusive.

Authority O.C.G.A. Secs. 43-41-5, 43-41-8. **History.** Original Rule entitled “Burden of Proof for Obtaining the General Contracting Examination Exemption” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

**553-2-.13 Reciprocity.**

Reserved.

# **CHAPTER 553-3**

## **QUALIFICATIONS FOR LICENSURE**

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### **RESIDENTIAL CONTRACTOR DIVISION**

#### **TABLE OF CONTENTS**

- 553-3-.01 Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship**
  - 553-3-.02 Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship**
  - 553-3-.03 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization**
  - 553-3-.04 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Light Commercial Contracting in the Name of the Business Organization**
  - 553-3-.05 Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting**
  - 553-3-.06 Licensure Requirements for a Joint Venture to Operate in the Business of Residential Contracting**
- 
- 553-3-.01 Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.**

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of residential-basic contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements

and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Has at least two years of proven experience working as or in the employment of a residential contractor, predominantly in the residential-basic category, or other proven experience deemed substantially similar by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residential-basic category in the two years immediately preceding application.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential-basic contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than \$300,000 for the residential-basic category and satisfactory proof of workers' compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5)(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-basic licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-basic contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-basic contracting business; his or her knowledge as to the responsibilities of a residential-basic contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic contractors, construction, workers' compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-basic.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-basic contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6. **History.** Original Rule entitled "Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-3-.02 Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.**

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of residential-light commercial contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements

and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other proven experience deemed acceptable by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residence-light commercial category in the four years immediately preceding application. To prove "successful performance and completion" the applicant must include, together with the application for licensure, an appropriate reference letter from a Georgia registered architect, a designer, a licensed professional engineer (predominately practicing structural engineering), or any other reference acceptable to the subdivision.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial



responsibility. In order to satisfactorily prove “financial responsibility”, each applicant must submit satisfactory proof as required by the application for licensure. In addition, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential-light commercial contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than \$500,000 for the residential-light commercial category and satisfactory proof of workers’ compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee’s current mailing address, insurance coverages, and affiliated entities.

(5)(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-light commercial licenses for the purpose of determining a particular applicant’s ability to make a practical application of his or her knowledge of the profession of residential-light commercial contracting; the applicant’s qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-light commercial contracting business; his or her knowledge as to the responsibilities of a residential-light commercial contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-light commercial contractors, construction, workers’ compensation, insurance, and liens.

(c) If the results of the applicant’s examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-light commercial.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted

application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-light commercial contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6. **History.** Original Rule entitled "Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005. **Amended:** F. Dec. 1, 2005; eff. Dec. 21, 2005.

### **553-3-.03 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization.**

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential-basic contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the residential contractor division.

(3) A person shall be eligible for licensure as a residential-basic contractor by the residential contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Has at least two years of proven experience working as or in the employment of a residential contractor, predominantly in the residential-basic category, or other proven experience deemed substantially similar by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residential-basic category in the two years immediately preceding application.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit

satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. The application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than \$300,000 for the residential-basic category and satisfactory proof of workers' compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5)(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-basic licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-basic contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-basic contracting business; his or her knowledge as to the responsibilities of a residential-basic contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic contractors, construction, workers' compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own

name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-basic.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A residential-basic contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6. **History.** Original Rule entitled "Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

#### **553-3-.04 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Light Commercial Contracting in the Name of the Business Organization.**

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential-light commercial contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the residential contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the residential contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the residential contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the residential contractor division.

(3) A person shall be eligible for licensure as a residential-light commercial contractor by the residential-light commercial subdivision if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity;

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a residential contractor, general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a residential contractor, or other proven experience deemed acceptable by the division; and

(d) Has had significant responsibility for the successful performance and completion of at least two projects falling within the residence-light commercial category in the four years immediately preceding application. To prove “successful performance and completion” the applicant must include, together with the application for licensure, an appropriate reference letter from a Georgia registered architect, a designer, a licensed professional engineer (predominately practicing structural engineering), or any other reference acceptable to the subdivision.

(e) In order to satisfactorily prove (a), (b), (c) and (d) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. In completing and submitting the application to the residential contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

4. Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the residential contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. In order to satisfactorily prove “financial responsibility”, each applicant must submit satisfactory proof as required by the application for licensure. In addition, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed residential contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance of not less than \$500,000 for the residential-light commercial category and satisfactory proof of workers’ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for

which the applicant is seeking licensure as a qualifying agent. The decision of the residential contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the residential contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the residential contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5)(a) The residential contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The residential contractor division shall conduct an examination for applicants for residential-light commercial licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential-light commercial contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential-light commercial contracting business; his or her knowledge as to the responsibilities of a residential-light commercial contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-light commercial contractors, construction, workers' compensation, insurance, and liens.

(c) If the results of the applicant's examination are satisfactory to the residential contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the residential contractor division shall issue to the applicant a license to engage in business as a residential contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9. The residential contracting license shall indicate that the licensee is qualified as residential-light commercial.

6. Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

7. A residential-light commercial contractor license shall be issued to an applicant who successfully completes the requirements therefore upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6. **History.** Original Rule entitled "Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Light Commercial Contracting in the Name of the Business Organization" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005. **Amended:** F. Dec. 1, 2005; eff. Dec. 21, 2005.

### **553-3-.05 Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting.**

(1) Where an applicant under Chapter 41 of O.C.G.A., Title 43 is seeking issuance of a residential contractor license on behalf and for the benefit of a business organization seeking to engage in residential contracting as a business organization, or in any name other than the applicant's legal name or trade name where the applicant is doing business as a sole proprietorship, the application for a license under Chapter 41 of O.C.G.A., Title 43 must be submitted by and through an individual qualifying agent for such business organization or entity and expressly on behalf of such business organization or entity. In such case, the license shall be issued to the individual qualifying agent and to the affiliated business organization or entity on whose behalf the application was made. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity engaged in the business of residential contracting after July 1, 2007, without first obtaining a license from the residential contractor division, except as provided for in O.C.G.A. 43-41-17(b). The residential contractor division shall not issue a license to any business organization or entity to engage in residential contracting unless such business organization or entity employs at least one currently licensed residential contractor who is actually engaged in the practice of residential contracting for such business organization or entity on a full-time basis and provides adequate supervision and is responsible for the projects of such business organization or entity. A business organization may allow more than one person to act as a qualifying agent for such organization, subject to each such individual qualifying agent having successfully satisfied the requirements for issuance of a license under Chapter 41 of O.C.G.A., Title 43 and having obtained issuance of such a license by the residential contractor division. Each such business organization shall have at least one qualifying agent in order to be considered authorized to engage in such contracting business.

(2) The application for a license by a qualifying agent must include an affidavit on a form provided by the board attesting that the individual applicant has final approval authority for all construction work performed by the business organization or entity and that the individual applicant has final approval authority on all business matters, including contracts and contract performance and financial affairs of the business organization or entity. The affidavit will be on a form included with the application for licensure and must be signed by an authorized agent of the business organization who possesses binding authority for the business organization.

(3) If, during the period encompassed by a license issued to a qualifying agent acting for and on behalf of an affiliated business organization, there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, submit the correct information to the residential contractor division.

(4)(a) At least one qualifying agent shall be licensed under this chapter in order for the business organization to obtain a license as a residential contractor. If any qualifying agent ceases to be affiliated with such business organization, for any reason, he or she shall so inform the residential contractor division within 45 days. In addition, if such qualifying agent is the only qualifying agent licensed hereunder affiliated with the business organization, the business organization shall notify in writing within 45 days the residential contractor division of the termination of the relationship with that qualifying agent and shall have 120 days from the termination of the qualifying agent's affiliation with the business organization to employ another qualifying agent and submit an application for licensure under the new qualifying agent. The submission of such application shall serve to maintain the licensed status of the business organization pending and subject to approval of such application by the residential contractor division; provided that, should such application be denied by that division, then, after passage of the 120 day period, the business organization shall cease to be considered licensed as a residential contractor unless and until a new application is submitted and approved by the residential contractor division. In such circumstance, the affected business organization may not thereafter engage in residential contracting until a new qualifying agent is employed, unless the residential contractor division has granted a temporary nonrenewable license to the financially responsible officer, the president or chief executive officer, a partner, or, in the case of a limited partnership, the general partner, who thereafter shall assume all responsibilities of a qualifying agent for the business organization or entity. This temporary license shall only allow the entity to proceed with incomplete contracts already in progress. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into, by the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

(b) The qualifying agent shall inform the residential contractor division in writing when he or she proposes to engage in residential contracting in his or her own name or in affiliation with another business organization, and he or she or such new business organization shall supply the same information to the division as required of applicants under Chapter 41 of O.C.G.A., Title 43. Such person shall be deemed to be a licensed residential contractor for the original term of his or her license, provided that he or she qualified for such license based on his or her own personal qualifications as to financial responsibility and insurance. Otherwise, such individual shall be required to submit a new application demonstrating satisfaction of such financial and insurance requirements himself or herself or by the business organization he or she desires to qualify, but such person shall be entitled to continue engaging in the business of residential contracting in accordance with and under his or her previously issued license unless and until the residential division determines that the person seeking issuance of the license no longer meets these requirements.

(c) Upon a favorable determination by the division having jurisdiction, after investigation of the financial responsibility, if applicable, and insurance of the qualifying agent and the



new business organization, the division shall issue, without an examination, a new license in the name of the qualifying agent and in the name of the new affiliated business organization.

(5) Disciplinary action and other sanctions provided in this chapter may be administered against a business organization operating under a license issued through its licensed qualifying agent or agents in the same manner and on the same grounds as disciplinary actions or sanctions against an individual or license holder acting as its qualifying agent under this chapter. The division or the board may deny the license to a qualifying agent for any business organization if the qualifying agent or business organization has been involved in past disciplinary actions or on any grounds for which individual licenses can be denied.

(6) Each qualifying agent shall pay the residential division an amount equal to the original fee for a license applied for on behalf of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the division shall require him or her to present evidence of the financial responsibility, if applicable, and insurance of each such organization.

(7) All qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization, for all field work at all sites, and for financial matters, both for the organization in general and for each specific job for which his or her license was used to obtain the building permit.

(8) Any change in the status of a qualifying agent is prospective only. A qualifying agent shall for purposes of application of Chapter 41 of O.C.G.A., Title 43 and the enforcement and disciplinary mechanisms thereunder be and remain responsible for his or her actions or omissions as well as those of the business organization for which such person had acted as a qualifying agent occurring during his or her period of service as such qualifying agent as and to the extent set forth in this chapter. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status. Further, nothing in this rule shall be interpreted as a basis for imposition of civil liability against an individual qualifying agent by any owner or other third party claimant beyond the liability that would otherwise exist legally or contractually apart from and independent of the individual's status as a qualifying agent.

Authority O.C.G.A. Secs. 43-41-5, 43-41-9. **History.** Original Rule entitled "Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting" adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

### **553-3-.06 Licensure Requirements for a Joint Venture to Operate in the Business of Residential Contracting.**

A joint venture is considered a separate and distinct organization for licensing purposes under this chapter and must be qualified and licensed in accordance with the residential contractor division's rules and regulations either:

(a) In its own name as a separate business organization; or

(b) By each of the members of the joint venture doing business as a residential contractor holding, as an individual or as a business organization acting through its qualifying agent, a valid and current residential contracting license issued by the residential contractor division. Each such licensed individual or qualifying agent shall be considered a qualifying agent of such joint venture. It shall be unlawful for any person, firm, corporation, or association to operate a business organization or entity as a joint venture engaged in the business of residential contracting after July 1, 2007, without first obtaining a license from the residential contractor division, except as provided for in O.C.G.A. § 43-41-17(b).

Authority O.C.G.A. Secs. 43-41-5, 43-41-9. **History.** Original Rule entitled “Licensure Requirements for a Joint Venture to Operate in the Business of Residential Contracting” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

# **CHAPTER 553-4**

## **QUALIFICATIONS FOR LICENSURE**

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### **GENERAL CONTRACTOR DIVISION**

#### **TABLE OF CONTENTS**

- 553-4-.01 Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship**
- 553-4-.02 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of General Contracting in the Name of the Business Organization**
- 553-4-.03 Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of General Contracting**
- 553-4-.04 Licensure Requirements for a Joint Venture to Operate in the Business of General Contracting**
- 553-4-.01 Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship.**

(1) An individual person seeking issuance of a Georgia license in his or her own name for purposes of engaging in the profession of general contracting in his or her own name or doing business as an individual in a trade name as a sole proprietorship shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the general contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the general contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement.

(3) A person shall be eligible for licensure as a general contractor by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity, and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. Applicants seeking to engage in general contracting shall provide satisfactory proof of minimum net worth in the amount of \$150,000. To satisfactorily show “financial responsibility” as mentioned in (3)(b) above, as well as minimum net worth, applicants shall provide a line of credit form in an amount not less than \$50,000. For additional proof of net worth and “financial responsibility”, applicants must provide, together with and as directed by the application for licensure, an appropriate reference letter from a certified public accountant (CPA) wherein the CPA performs an audit or review audit of the applicant’s financial information. This reference letter will be on a form included with the application for licensure and must be notarized upon submission to the division. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character

and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than \$500,000 and of workers' compensation insurance as required by the laws of this state in their name. All applicants shall also provide their social security numbers. Applicants shall also provide suitable verification of tax payments in a form and manner and for the duration prescribed by the general contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, on his or her own behalf, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the licensee's current mailing address, insurance coverages, and affiliated entities.

(5)(a) The general contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The general contractor division shall conduct an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(c) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a sole proprietor, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted

application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A general contractor license shall be issued to an applicant who successfully completes the requirements therefor upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6, 43-41-8, 43-41-9. **History.** Original Rule entitled "Licensure Requirements for an Individual to Practice as a General Contractor in the Individual's Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship" adopted. F. Nov. 3, 2005; eff. Nov. 23, 2005.

#### **553-4-.02 Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of General Contracting in the Name of the Business Organization.**

(1) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of general contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9 shall file an application on a form provided by the general contractor division, accompanied by an application fee as provided by the board.

(2) Additionally, such applicants must submit to and successfully pass an examination prepared by the general contractor division, except where an applicant is otherwise qualified for licensure and has satisfied the general contractor division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the general contractor division.

(3) A person shall be eligible for licensure as a general contractor by the general contractor division if the person:

(a) Is at least 21 years of age;

(b) Is of a good character and is otherwise qualified as to competency, ability, and integrity and financial responsibility; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction, or other field acceptable to the division and has at least one year of proven experience working as or in the employment of a general contractor or other proven experience deemed substantially similar by the division;

2. Has a combination acceptable to the division of academic credits from any accredited

college-level courses and proven practical experience working as or in the employment of a general contractor, or other proven experience deemed substantially similar by the division equaling at least four years in the aggregate. For purposes of this subparagraph, all university, college, junior college, or community college-level courses shall be considered accredited college-level courses; or

3. Has a total of at least four years of proven active experience working in a construction industry related field, at least two of which shall have been as or in the employment of a general contractor, or other proven experience deemed acceptable by the division and at least one of which shall have been in or relating to administration, marketing, accounting, estimating, drafting, engineering, supervision, or project management, or functions deemed substantially similar by the division.

(d) In order to satisfactorily prove (a), (b) and (c) above, each applicant must swear on the application for licensure that the applicant satisfies each requirement and submit satisfactory proof of such when and where directed to do so by the application. Applicants acting as a qualifying agent for a business organization seeking to engage in general contracting, shall provide satisfactory proof that the business organization possesses minimum net worth in an amount of \$150,000. To satisfactorily show “financial responsibility” as mentioned in (3)(b) above, and minimum net worth, applicants shall provide a line of credit form in an amount of not less than \$50,000. For additional proof of net worth and “financial responsibility”, applicants must provide, together with and as directed by the application for licensure, an appropriate reference letter from a certified public accountant (CPA) wherein the CPA performs an audit or review audit of the applicant’s financial information. This reference letter will be on a form included with the application for licensure and must be notarized upon submission to the division. Additionally, in completing the application and submitting it to the general contractor division, the applicant consents to the division performing a background check, including a criminal history, on the applicant if the division so chooses.

(4) Before being entitled to take an examination or otherwise qualify for issuance of a license, an applicant must show to the satisfaction of the general contractor division from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility. Much proof of this will come as detailed in (3)(d) above. Additionally, the application shall include a list of all persons, entities, and business organizations that the applicant will be affiliated with as a licensed general contractor, whether by way of employment, ownership, serving as an owner or director, partnership, or membership or by serving as a qualifying agent under this chapter. Additionally, all applicants shall provide satisfactory proof of general liability insurance in an amount not less than \$500,000 and of workers’ compensation insurance as required by the laws of this state in their name. All applicants shall also provide the federal taxpayer identification numbers of any business organization for which the applicant is seeking licensure as a qualifying agent. Applicants shall also provide suitable verification of tax payments by the business organization in a form and manner and for the duration prescribed by the general

contractor division. Such proof of verification shall be submitted by the applicant as directed by the application for licensure and any form(s) that might accompany the application. The decision of the general contractor division as to the qualifications of applicants shall be conclusive. A certificate by the insurer or other appropriate evidence of such coverages shall be maintained with the general contractor division and shall be a condition of renewal. A licensee, where acting as a qualifying agent on behalf of the business organization so qualified, must notify the general contractor division in writing within 30 days of any changes in the information required to be on file with such division, including, but not limited to, the business organization's current mailing address, insurance coverages, and affiliated entities.

(5)(a) The general contractor division shall conduct an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(b) The general contractor division shall conduct an examination to ascertain the particular applicant's ability to make a practical application of his or her knowledge of the profession of commercial general contracting; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to the general contracting business; his or her knowledge as to the responsibilities of a general contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to general contractors, construction, workers' compensation, insurance, surety bonding, and liens.

(c) If the results of the applicant's examination are satisfactory to the general contractor division, or he or she is exempted from the examination requirement under Code Section 43-41-8, and if he or she and any affiliated business organization has met the other qualifications and requirements set forth in this Code section, then the general contractor division shall issue to the applicant a license to engage in business as a general contractor in this state, as provided in such license, in his or her own name as a qualifying agent for the affiliated business organization and in the name of such business organization, pursuant to and in accordance with the requirements set forth in Code Section 43-41-9.

(6) Any otherwise qualified applicant failing this examination may be reexamined at any regularly scheduled examination within one year of the date of original application upon payment of a reexamination fee, in an amount to be set by the board, without need to resubmit an application, unless any information set forth in the previously submitted application is no longer accurate or complete. Anyone requesting to take the examination a third or subsequent time shall wait at least one calendar year after the taking of the last examination and shall submit an application with the appropriate examination fees.

(7) A general contractor license shall be issued to an applicant who successfully completes the requirements therefor upon the payment of fees prescribed by the board.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6, 43-41-8, 43-41-9. **History.** Original Rule entitled " Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to



Engage in the Profession of General Contracting in the Name of the Business Organization" adopted. F.  
Nov. 3, 2005; eff. Nov. 23, 2005.

# **CHAPTER 553-5**

## **PROCEDURAL RULES**

### **TABLE OF CONTENTS**

#### **553-5-.01 Procedural Rules**

#### **553-5-.01 Procedural Rules.**

The State Licensing Board for Residential and General Contractors hereby adopts by reference as its permanent rules Chapters 295-3 through 295-13, and any future amendments thereto, Rules and Regulations of the Office of the Division Director, Professional Licensing Boards, relating to procedure for Hearings before several State Professional Licensing Boards.

Authority O.C.G.A. Secs. 43-1-25, 43-41-5. **History.** Original Rule entitled “Procedural Rules” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

# **CHAPTER 553-6**

## **FEES**

### **TABLE OF CONTENTS**

#### **553-6-.01 Fees**

#### **553-6-.01 Fees.**

Refer to separate Fee Schedule for appropriate fees payable to the Board. Fees may be reviewed and changed at the discretion of the Board. An indebtedness to the Board caused by a returned check will be handled in accordance with Code Section 16-9-20 of the Criminal Code of Georgia.

Authority O.C.G.A. Secs. 43-1-2, 43-1-7, 43-41-5. **History.** Original Rule entitled “Fees” adopted. F. Oct. 14, 2005; eff. Nov. 3, 2005.

# **CHAPTER 553-7**

## **WRITTEN WARRANTY**

### **TABLE OF CONTENTS**

#### **553-7-.01 Written Warranty**

#### **553-7-.01 Written Warranty.**

A licensed residential contractor and any affiliated entities shall offer a written warranty in connection with each contract to construct, or superintend or manage the construction of any single family residence where the total value of the work or activity or the compensation to be received by the contractor for such activity or work exceeds \$2,500. The residential division, for both residential-basic contractors and residential-light commercial contractors, hereby establishes warranty requirements for activity or work exceeding \$2,500 as follows:

It shall be presumed that all materials and services provided by the builder and/or affiliated entities will have a one year warranty unless the contractor and/or any affiliated entities provide the purchaser a written document with specific terms of warranty coverage.

Authority O.C.G.A. Secs. 43-41-5, 43-41-7. **History.** Original Rule entitled “Written Warranty” adopted. F. Dec. 23, 2005; eff. Jan. 12, 2006.

# CHAPTER 553-8

## DEFINITIONS

### TABLE OF CONTENTS

#### 553-8-.01 Repair Rule

#### 553-8-.01 Repair Rule.

“Repair” shall be deemed and construed to mean fixing, mending, maintenance, replacement or restoring of a part or portions of real property to good condition. The repair exception recognized by O.C.G.A. § 43-41-17(g) and this Rule shall in no way impact or diminish the licensing requirements of Chapter 14 of Title 43 (Electrical Contracting, Plumbing, Conditioned Air Contracting, Low-Voltage Contracting and Utility Contracting).

Nothing in this Rule shall preclude a person or entity (including employees of said entity) from offering or contracting to perform or undertaking or performing for an owner repair work, provided that:

- (1) the person performing the repair work discloses in writing to the owner that such person/entity is not licensed as a residential or general contractor under this chapter;
- (2) the work does not entail the delegation or assignment to or engagement of any person or entity, other than employees, to supervise, manage or oversee the performance of any portion of the work undertaken;
- (3) the work does not affect the life safety requirements or structural integrity of the real property. Such repairs shall not include the removal or addition of any load bearing wall or the removal or cutting of any structural beam or load bearing support; and
- (4) The person performing repair must obtain permits and inspections as required by the local authority.

Authority O.C.G.A. Secs. 43-41-5, 43-41-17. **History.** Original Rule entitled “Repair Rule” adopted. F. Dec. 23, 2005; eff. Jan. 12, 2006.